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W.P.No.20435 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20435 of 2012 and
MP.Nos.1 & 2 of 2012

J.Muthusamy

... Petitioner

Vs.

- 1.The Chairman cum Managing Director,
Tamilnadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai 600 002
- 2.The Chief Engineer
(Personnel),
Tamilnadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai 600 002
- 3.The Superintending Engineer,
Villupuram Electricity Distribution Circle,
Tamilnadu Electricity Generation and
Distribution Corporation,
Villupuram

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing respondents 1 & 2 to absorb the petitioner along with 4037 contract workmen, who are working on need basis, as per memo No.012267/G.58/G.582/2008-1



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dated 20.02.2008 to the post of Mazdoor (Trainee) only after finalization of the contract Labourers list by the committee constituted under (Per) B.P.(CH)No.9 (Adm.Branch) dated 09.01.2008.

For Petitioner : Mr.G.Ananda Kumar

For Respondents : Mr.S.Haroon
for M/s.T.S.Gopalan & Co.

ORDER

This writ petition has been filed for direction to the first and second respondents to absorb the petitioner along with other contract workmen who are working on need basis as per the memo dated 20.02.2008.

2. Heard, the learned counsel appearing on either side.

3. The petitioner worked as Contract Labourer at the Office of the Assistant Engineer (Operation & Maintenance). However, the respondents have not yet absorbed the petitioner in spite of his repeated requests. The respondents / Board passed proceedings dated 09.01.2008



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in BP(Chairman)No.9 for regularisation of service of contract labourers those who are not covered by Section 12(3) of the Industrial Disputes Act settlement for exgratia payment and absorption. For the said purpose, the Board also constituted a Committee. Accordingly, a memo was issued dated 20.02.2008 for continuance of engagement of Contract Labourers not covered by Section 12(3) of the Industrial Disputes Act settlement dated 10.08.2007. Therefore, the petitioner submitted representation to absorb him along with the other contract workmen.

4. On perusal of records, in pursuant to the settlement under Section 12(3) of the Industrial Disputes Act, a Committee was constituted to absorb the Contract Labourer who were engaged prior to 06.01.1998 and omitted for sanction of exgratia. However, that Committee did not identify the petitioner and as such the petitioner has disentitled himself from claiming permanency in service. Therefore, the prayer sought for in this writ petition cannot be considered. As such, this writ petition is devoid of merits.



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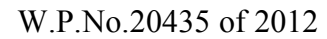
5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

31.08.2023

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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